

Appl. No.: 10/715,
Amdt. dated 01/08/2007
Reply to Office action of May 16, 2006.

REMARKS/ARGUMENTS

In the Office Action dated May 16, 2006, Claims 1-12 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1-11 and 13-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by International Patent Publication No. WO-02/057959 to Rothmuller et al. ("Rothmuller"). Claim 12 was rejected under 35 U.S.C. § 103(a) as being obvious over Rothmuller. Applicants have amended independent Claims 1-13 and 16. As explained below, Applicants respectfully submit that the claimed invention is directed to statutory subject matter and is patentably distinct from the Rothmuller patent. As such, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

Provisional Double Patenting

The Official Action provisionally rejects Claims 1-3, 5, 7, 9-11, and 13 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over various claims of co-pending U.S. Patent Application Nos. 10/792,175, 10/738,006, 10/715,161, and 10/715,187. As the '175, '006, '161, and '187 applications are currently pending, the obviousness-type double patenting rejection is only a provisional rejection. Accordingly, it is requested that the provisional non-statutory double patenting rejection be held in abeyance until such time as a patent issues based upon one of these applications, at which time a substantive response will be provided if the rejection under the judicially created doctrine of obviousness-type double patenting is maintained.

35 U.S.C. § 101

With regard to the rejection of Claims 1-12 as being directed to non-statutory subject matter, the preamble of Claims 1-10 has been amended to recite "a computer program product" instead of an "application" with the computer program product including a computer readable storage medium having computer-readable program instructions embodied therein. Claims 11 and 12 have also been amended and now recite that the digital device comprises a computer-readable storage medium and that the processing unit executes computer-readable program

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instructions embodied in the computer readable storage medium. Accordingly, Claims 1-12 satisfy the requirements of § 101 and overcome the rejection thereunder. *See* MPEP § 2106.

35 U.S.C. §§ 102(b) and 103(a)

With regard to the substantive rejections of Claims 1-18, the Rothmuller publication is directed to a system for managing digital media files. The system includes a timeline **250** that is divided into segments of time (e.g., years) that provide an indication of the number of digital media files associated with each segment of time. The segments of time of the timeline are displayed in equal sizes and the number of files associated with each segment of time is indicated using bar graphs. *See* FIGS. 1 and 3.

The Rothmuller publication does not describe that the segments of time in the timeline **250** are sized based upon the media files associated with each segment of time, as required by the independent claims of the present application. In order to emphasize this distinction between the cited references and the claimed invention, the independent claims have been amended to recite that the size of each segment of time is based upon the amount of media files associated with each segment of time. Therefore, Applicants submit that independent Claims 1, 13, and 16, as well as the claims that depend therefrom, are not anticipated by the Rothmuller reference. Furthermore, because Rothmuller specifically teaches a timeline where all of the segments of time are the exact same size and because Rothmuller does not suggest having the size of each segment of time depend upon the amount of media files associated with the segment of time, Applicants submit that the claimed invention would not have been obvious in view of Rothmuller.

Independent Claim 16 has been further amended to recite that the time bar has one or more time levels and that the display of at least one time level is divided into a plurality of segments of time. The display of each segment of time of the plurality of segments of time of at least one time level is sized based upon the amount of media files associated with the segment of time. For example, embodiments of the claimed timeline of independent Claim 16 are described in pages 17-19 and in FIG. 4 of the present application. In addition to not disclosing a time level where each segment of time is based upon the amount of media files associated with the segment

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of time, Rothmuller also does not teach or suggest a time having one or more time levels, as recited by independent Claim 16.

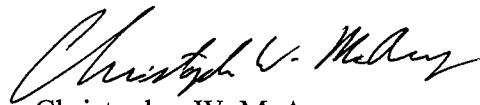
For each of the foregoing reasons, the rejections of independent Claims 1, 13, and 16, as well as the claims which depend therefrom, are overcome.

Conclusion

In view of the remarks and amendments presented above, it is respectfully submitted that the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is requested to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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